



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, 3rd Floor
Lansing, MI 48933
April 16, 2019
Time: 11:00 am

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Judge Jeffrey Collins, Judge James Fisher, Joseph Haveman, Derek King, Tom McMillin, John Shea and Gary Walker.

Participating via Telephone

Nancy Diehl, Dr. David Schuringa and William Swor

Commission Members Absent

Frank Eaman

Members of the Public Participating Included:

Malcolm Brown, Tim Havis, Ashley Johnson, Meghann Keit, Brian Kennedy, Karen Moore, Craig Paull, Courtney Pendleton, Kay Perry, Drew Van de Grift (via telephone), Dawn Van Hoek (via telephone) and Judge Cynthia Walker (via telephone)

Staff Members Present

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler (via telephone) and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 11:05 am.

Public Comment

Members of the public were invited to introduce themselves to the Commission and to offer comments.

Additions to the Agenda

There were no additions to the agenda. Mr. Swor moved that the agenda be approved as presented. Mr. Shea seconded. The motion carried.

Consent Agenda

Mr. McMillin moved that the consent agenda containing the minutes from the February meeting be approved. Mr. Swor seconded the motion. The motion carried.

Chair Report

Chair Puerner announced the resignation of two Commission members, Brandy Robinson and Kristina Robinson. Brandy Robinson resigned to become more involved with Wayne County's reform efforts. Kristina Robinson was appointed to the 36th District Court. Chair Puerner thanked them both for their commitment to the Commission and its work.

Brandy Robinson's resignation created a vacancy on the Executive Committee. Chair Puerner appointed Judge Boyd, Ms. Diehl and Mr. Shea to the Nominating Committee to recommend a new Vice Chair, AFTER THE COMMISSION VACANCIES ARE FILLED.

Chair Puerner noted that Mr. King's county recently hired a public defender for its new office. Mr. King discussed the process Calhoun County used to hire its new public defender, David Makled.

Chair Puerner announced that the 36th District Court submitted a letter to the MIDC indicating that it will work towards compliance.

Judge Fisher reported that he had a conversation with Chief Justice Bridget McCormack and Justice Elizabeth Clement to update them on the Commission's work and progress distributing grants.

The Executive Committee is still working on the form for Ms. Khogali's evaluation.

Executive Director Report

Ms. Khogali provided an overview of staff activities since the last Commission meeting. She continues to work with staff to evaluate the capacity to meet its responsibilities.

She provided an overview of contracts. Jackson and Oakland Counties have signed their respective grant agreements. Warren/Centerline is currently reviewing its budget and has submitted a budget to the MIDC. Grant agreements for Washtenaw, Wayne and the 36th District Court are currently outstanding. Staff continues to work with these systems to finalize and execute grant agreements.

Ms. Khogali recognized Brandy and Kristina Robinson for their contributions to the Commission. The Governor's Appointments Office contacted Ms. Khogali and she is working with that office on appointments for the open Commission seats.

The Trial Court Funding Commission, chaired by Judge Boyd, issued an interim report. Ms. Mack assisted that Commission and received recognition for this work. Judge Boyd will email the report to Commissioners.

Ms. Khogali recognized the Research Unit for its work. North Carolina began studying effective pay rates and used work compiled by Dr. Siegel and Mr. Sadler to begin that state's study.

Requests for Plan Adjustments

50th District Court, Pontiac

Ms. McCowan and Ms. Smithson gave an overview of the adjustment requested by the 50th District Court in Pontiac. Judge Walker and Ms. Johnson assisted with the overview. The court requests a plan change that would allow it to contract with an attorney to serve as its Managed Assigned Counsel Coordinator and provide an executive assistant who would be onsite full-time to ensure compliance with the standards. MIDC Staff recommends approval.

Judge Boyd moved that the 50th District Court's adjustment be approved. Mr. Walker seconded. The motion carried.

Oceana County

Ms. McCowan and Ms. Klimaszewski provided an overview of the county's request. Ms. Moore participated in the discussion. Oceana County requested a plan change to modify how its attorneys will be paid for the current fiscal year. MIDC staff recommends approval.

Judge Boyd moved that Oceana County's plan change be approved. Judge Fisher seconded the motion. After discussion, the motion carried.

Annual Report

Ms. Khogali and Ms. McCowan provided an overview of the annual report. A letter from the Chair will be added before the report is distributed.

Mr. Walker moved that the annual report be approved. Mr. Shea seconded. The motion carried.

Budget Adjustments

Ms. Mack provided an overview of the budget adjustments that she has approved; these adjustments did not rise to the level of Commission action. Adjustments were approved for the following systems: 29th District Court (City of Wayne), 45th District Court (Oak Park), Benzie and Manistee Counties, Gogebic County, Marquette County, Monroe County and Montcalm County.

The Construction Committee met via telephone on March 4, 2019 to discuss adjustments to construction projects requested by Oakland and Macomb Counties. That Committee had no objection to Ms. Mack's approval of the budget adjustments for these systems.

Wayne County Progress Report on Planning Grant

Ms. Van Hoek and Mr. Van de Grift gave an overview of Wayne County's progress. Ms. Van Hoek stated that the grant agreement will be before the Wayne County Commission for its approval on April 18, 2019. The county is working on a contract with the Neighborhood Defender Service, which was the winning bidder on the county's RFP. The Sixth Amendment Center's report on Wayne County's system is expected to be released in May.

Mr. Van de Grift requested that the grant agreement be extended past the end of the 2019 fiscal year.

Judge Fisher moved that the matter be tabled because the grant agreement has not yet been executed. Judge Boyd seconded the motion. The motion carried.

The Commission recessed from 12:40 pm until 12:55 pm.

Annual Compliance Plans Process, Timing and Review

Regional Managers are currently working with systems to have plans for the 2020 fiscal year submitted to the Commission by the end of April. Staff will follow a similar review process to what was done with the initial set of plans, and will present these plans to the Commission for its review beginning in June.

Research and Data

Dr. Siegel updated the Commission on the Research Unit's data collection efforts. He reported that the defenderData pilot project with public defender offices was going well. The offices have been working with defenderData to make changes to the program that will improve the MIDC's data collection efforts. MIDC staff continues to work with the Department of Licensing and Regulatory Affairs on potentially obtaining a case management system for statewide use.

The Committees for Standards 6 and 8 will be convened to address two issues. The first issue is the consideration of the draft report from RAND. The Research Unit has been working on a cost estimate for Standards 6 and 8 and will present this to the Committees for their review.

Dr. Siegel gave an overview of the challenges of collecting data when various case management systems are used throughout the state. One system, JMS, is willing to work with the MIDC and the systems that use its software to make changes to collect data for the MIDC more efficiently. The MIDC would pay \$21,750 for JMS to make these changes.

Judge Boyd moved that the Commission pay \$21,750 for JMS to make the changes. Judge Fisher seconded the motion. The motion carried.

Training Standards Committee Report

Ms. McCowan provided an informational update regarding the committee's meeting and two focus groups held to explore concepts related to potential training standards.

Brandy Robinson's resignation created a vacancy in this Committee; Ms. Robinson served as Chair. Chair Puerner appointed Mr. Eaman Chair of this Committee.

Discussion of Assessment of Compliance with Standards 1-4

Ms. Khogali indicated that she would like to lean towards flexibility and supporting systems as the Commission begins to determine systems' compliance with the first four standards with an overarching focus on ensuring that local systems are successful with implementation. She indicated that she would like to ensure that this approach is consistent with what the Commission wants so that both the Commission and its staff anticipate the same approach. No members of the Commission voiced opposition to this approach.

The next meeting is June 18, 2019 at 11:00 am.

Mr. Shea moved that the meeting be adjourned. Judge Collins seconded the motion. The motion carried.

The meeting adjourned at 1:41 pm.

Respectfully submitted,

Marcela Westrate